

### REMARKS

Upon receipt of the final Office Action, Claims 1, 3-6, 14-20, 22-24, 29, 77-82 and 90 were pending. Claims 1, 3-6, 14-20 and 22 are cancelled herein as discussed in more detail below. Entry of the above amendments to the claims and favorable consideration of the subject matter of remaining Claims 23-24, 29, 77-82 and 90 are respectfully requested in view of the following remarks.

#### Claim Rejections – 35 U.S.C. § 112

The Examiner rejected Claims 1, 3-6, 14-20 and 22 under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner asserts that the nomenclature of the first compound in the proviso of Claim 1 is incomplete.

Without acquiescing to the Examiner's reasons for this rejection and in the interest of furthering the early allowance of remaining Claims 23-24, 29, 77-82 and 90, Applicants have cancelled Claims 1, 3-6, 14-20 and 22 herein, thereby rendering moot this rejection with respect thereto.

#### Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1, 4, 5, 14 and 16 under 35 U.S.C. § 102(b) as allegedly being anticipated by Gorbulenko *et al.*, *Khimiya Geterotsiklicheskikh Soedinenii* 4: 464-471, 1994 ("Gorbulenko") for the reasons set forth in the Office Action.

Without acquiescing to the Examiner's reasons for this rejection and in the interest of furthering the early allowance of remaining Claims 23-24, 29, 77-82 and 90, Applicants have cancelled Claims 1, 4-5, 14 and 16 herein, thereby rendering moot this rejection with respect thereto.

#### Conclusion

Applicants respectfully submit that all rejections of the claims have been overcome and therefore respectfully request the early allowance of Claims 23-24, 29, 77-82 and 90. In so doing, Applicants retain their right to file separate divisionals and/or continuations on the subject matter of any cancelled claim herein.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Carol J. Roth/

Carol J. Roth

Registration No. 32,783

CJR

701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104  
Phone: (206) 622-4900  
Fax: (206) 682-6031

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